

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Claims 1, 2, 5, 6, 7-10, 13-18, 21-24, 28-30, 34-36, 40-42, and 46-51 remain pending. This application has been carefully reviewed in light of the Official Action mailed August 20, 2010. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

A telephonic interview was conducted on November 8, 2010 between Examiner Ludwig and Attorney Akmal. During the interview, the effective date of the Stern reference was discussed.

Applicant appreciates the time and effort taken by Examiner Ludwig to review Applicant's present application and discuss the pending claims and the cited prior art.

Rejections under 35 U.S.C. §§ 102

Claims 1, 2, 5, 6, 7-10, 13, 14, 15-18, 21-23, 24, 28-30, 34-36, 40-42, and 46-51 are rejected under 35 U.S.C. §102(e) or §103 as being unpatentable over U.S. Patent No. 7,600,183 ("Stern"). Applicant respectfully traverses these rejections.

More specifically, Applicant respectfully submits that the Stern reference is not available as prior art against the present application.

The effective date of a U.S. patent U.S. patent application publication, or international application publication under PCT Article 21(2) is the earlier of its publication date or date that it is effective as a reference under 35 U.S.C. § 102(e). See 37 C.F.R 1.131. Applicant notes that the effective date on which the Stern reference becomes available as prior art is the filing date of U.S. Provisional Application 60/211,976 to which it claims priority: June 16, 2000.

Applicant respectfully submits that the earliest priority date of the present application is the filing date of U.S. Provisional Application 60/208,515 to which it claims priority: May 26, 2000.

As the priority date of the present application is earlier than the effective date of Stern, Applicant respectfully submits that Stern is not available as prior art and respectfully requests that these rejections be withdrawn.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1, 2, 5, 6, 7-10, 13, 14, 15-18, 21-23, 24, 28-30, 34-36, 40-42, and 46-51. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-3183 of Sprinkle IP Law Group.

Respectfully submitted,

**SPRINKLE IP LAW GROUP**  
Attorneys for Applicant

  
Ari Akmal  
Reg. No. 51,388

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1301 W. 25<sup>th</sup> Street, Suite 408  
Austin, TX 78705  
Tel. (512) 637-9220  
Fax. (512) 371-9088